

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00134-DII

JURY TRIAL DEMANDED

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00136-DII

JURY TRIAL DEMANDED

JOINT STATUS REPORT

Pursuant to this Court’s Order dated October 5, 2022 (Dkt. 79), Plaintiff Netlist, Inc. (“Plaintiff”) and Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Defendants”) hereby submit the following joint status report regarding pending inter partes review proceedings relating to the Patents-in-Suit:

**I. U.S. PATENT NO. 9,824,035 (PTAB CASE NO. IPR2022-00236)
(FINAL WRITTEN DECISION ISSUED)**

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,824,035.
- On July 19, 2022, the Board granted the Petition and trial was instituted.

- On October 11, 2022, Plaintiff submitted its Patent Owner’s Response.
- On January 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On February 28, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On April 19, 2023, an Oral Argument for the proceeding commenced.
- On June 20, 2023, the Board issued its Final Written Decision affirming validity of claims 2, 6, and 22, and finding claims 1, 10-13, and 21 invalid.
- On July 20, 2023, Defendants filed a request for rehearing and on August 16, 2023, the Board granted the request and found claim 22 invalid. Following the rehearing, the validity of claims 2 and 6 was confirmed, and claims 1, 10-13, 21, and 22 were held invalid.

II. U.S. PATENT NO. 10,268,608

A. DEFENDANTS’ IPR (PTAB CASE NO. IPR2022-00237) (INSTITUTION DENIED)

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- On July 19, 2022, the Board denied the Petition, and no trial was instituted.
- On August 12, 2022, the Defendants filed a request for rehearing and on September 16, 2022, the Board denied the request.

B. SAMSUNG’S IPR (PTAB CASE NO. IPR2023-00847)

- On April 27, 2023, Samsung Electronics Co., Ltd. filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- It is anticipated that the Board will issue its decision whether to institute proceedings by December 14, 2023.

III. U.S. PATENT NO. 10,489,314 (PTAB CASE NOS. IPR2022-00744 AND IPR2022-00745) (FINAL WRITTEN DECISIONS ISSUED)

- On March 30, 2022, Defendants filed two Petitions for *Inter Partes* Review of U.S. Patent No. 10,489,314.
- On November 1, 2022, the Board granted the Petitions and trial was instituted.

- On February 7, 2023, Plaintiff submitted its Patent Owner’s Response.
- On May 5, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On June 16, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On August 15, 2023, Oral Argument for the proceedings was held.
- On October 30, 2023, the Board issued two Final Written Decisions determining no challenged claims unpatentable in either of the IPR proceedings.
- Micron anticipates that it will file a notice of appeal of the IPR results within the 63-day time period set forth by 37 C.F.R. 90.3.

Further, as a courtesy to the Court, the parties hereby submit status updates regarding the IPR proceeding challenging the patent that Netlist is asserting against Micron in the Western District of Texas in the above captioned cases:

**IV. U.S. PATENT NO. 8,301,833 (PTAB CASE NO. IPR2022-00418)
(FINAL WRITTEN DECISION ISSUED)**

- On January 14, 2022, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,301,833.
- On September 1, 2022, the Board granted the Petition and trial was instituted.
- On November 25, 2023, Plaintiff submitted its Patent Owner’s Response.
- On February 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On March 31, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On June 7, 2023, an Oral Argument for the proceeding was held.
- On August 28, 2023, the Board issued its Final Written Decision finding challenged claims 1, 3-17, and 19-30 invalid.

Dated: November 6, 2023

/s/ Ryan A. Hargrave

Paul J. Skiermont (TX Bar No. 24033073)
Steven Hartsell (TX Bar No. 24040199)
Jaime K. Olin (TX Bar No. 24070363)
Ryan A. Hargrave (TX Bar No. 24071516)
Michael D. Ricketts (TX Bar No. 24079208)
SKIERMONT DERBY LLP
1601 Elm St., Ste. 4400
Dallas, TX 75201
Phone: (214) 978-6600
Fax: (214) 978-6601
pskiermont@skiermontderby.com
shartsell@skiermontderby.com
jolin@skiermontderby.com
rhargrave@skiermontderby.com
mricketts@skiermontderby.com

Rex Hwang (CA Bar No. 221079)
SKIERMONT DERBY LLP
633 West 5th St., Ste. 5800
Los Angeles, CA 90071
Phone: (213) 788-4500
Fax: (213) 788-4545
rhwang@skiermontderby.com

Attorneys for Plaintiff
Netlist, Inc.

Respectfully Submitted,

/s/ Michael R. Rueckheim (with permission)

Thomas M. Melsheimer
State Bar No. 13922550
TMelsheimer@winston.com
Natalie Arbaugh
State Bar No. 24033378
NArbaugh@winston.com
Barry K. Shelton
State Bar No. 24055029
BShelton@winston.com
WINSTON & STRAWN LLP
2121 N. Pearl Street, Suite 900
Dallas, TX 75201
Telephone: (214) 453-6500
Facsimile: (214) 453-6400

Michael R. Rueckheim
State Bar No. 24081129
MRueckheim@winston.com
WINSTON & STRAWN LLP
255 Shoreline Drive, Suite 520
Redwood City, CA 94065
Telephone: (650) 858-6500
Facsimile: (650) 858-6559

Matthew Hopkins
Pro Hac Vice
State Bar No. 1500598
MHopkins@winston.com
WINSTON & STRAWN LLP
1901 L Street, N.W.
Washington, D.C. 20036-3506
Telephone: (202) 282-5000
Facsimile: (202) 282-5100

Juan C. Yaquian
Pro Hac Vice
State Bar No. 24110559
JYaquian@winston.com
WINSTON & STRAWN LLP
800 Capital Street, Suite 2400
Houston, TX 77002-2925
Telephone: (713) 651-2600
Facsimile: (713) 651-2700

**Attorneys for Defendants
Micron Technology, Inc.,
Micron Semiconductor Products,
Inc., and Micron Technology Texas,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this the 6th day of November, 2023.

/s/ Ryan A. Hargrave